



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Implement the
Commission's Procurement Incentive
Framework and to Examine the Integration of
Greenhouse Gas Emissions Standards into
Procurement Policies

R.06-04-009

**PETITION FOR MODIFICATION OF THE INTERIM OPINION
BY THE ENERGY PRODUCERS AND USERS COALITION**

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September 26, 2007

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Pursuant to Rule 16.4, the Energy Producers and Users Coalition (EPUC)¹ hereby petitions to modify Decision 07-08-009 ("the Decision"), issued by the Commission on August 23 in this docket.

I. SUMMARY OF REQUEST

The Decision purports to clarify Decision 07-01-039, which specified a methodology for calculating a greenhouse gas (GHG) emissions rate for "bottoming cycle" cogeneration under the Commission's Emissions Performance Standard (EPS). The methodology does not fairly reflect the operating conditions of bottoming cycle plants, which in reality operate as an industrial afterthought, capturing waste heat to generate electricity. In addition, application of the "clarified" formula is infeasible. The clarification appears to allocate all of the emissions of the *industrial* process to the *electric* output of a bottoming cycle

¹ EPUC is an ad hoc group representing the electric end use and customer generation interests of the following companies: Aera Energy LLC, BP West Coast Products, Chevron U.S.A. Inc., Shell Oil Products US, THUMS Long Beach Company, and Occidental Elk Hills, Inc.

plant. In essence, this formula would leave the industrial site with zero GHG emissions.

The Commission could not have intended this fictional result. Consequently, EPUC requests that the Commission modify the Decision to produce a formula that reflects the realities of bottoming-cycle facilities and is feasible.

II. THE FORMULA AS CLARIFIED DOES NOT REFLECT THE OPERATING CONDITIONS OF BOTTOMING CYCLE PLANTS AND PRODUCES A NONSENSICAL VALUE.

D.07-08-009 establishes a formula for determining the GHG emissions rate as follows:

The numerator of the conversion formula for a bottoming-cycle cogeneration facility would reflect the total emissions from the facility, including both fuel used in the industrial process as well as any supplemental firing. The denominator of energy produced would consist of the kWh of electricity produced by the facility, plus a thermal credit (through the 3,413 Btu/kWh standard conversion factor) for the thermal energy produced by the industrial process that is used for electricity generation in the waste heat boiler.²

The infeasibility of this formula can be demonstrated through an example.

Assume, for example, a hypothetical bottoming cycle unit produces 35 MW of electricity by capturing waste heat from the calcining of petroleum coke. This level of output is consistent with the typical range of a bottoming cycle unit. Further assume a capacity factor of 85%. Using these assumptions, the facility would produce 260,610,000 kWh in a year. Next we assume that the total carbon emitted from the entire calcining facility to produce all of its products,

² *Interim Opinion On Petition For Modification Of Decision 07-01-039 With Regard To The Treatment Of Bottoming-Cycle Cogeneration*, Para 2, pg. 11, August 23, 2007.

including calcined coke and electricity, would be on the order of 275,000 tonnes (606,270,500 lbs).

Applying the Decision's formula, the numerator in this example would be 606,270,500 lbs. The denominator would be the sum of 260,610,000 kwh plus the "*thermal credit ... for the thermal energy used for electricity generation...*" To calculate the "thermal credit," the Decision directs the multiplication of 260,610,000 kWh times 3413 Btu/kWh. This creates a nonsensical calculation because the two terms of the denominator are in different units: the kWh output is in kWh, while the "thermal credit" is in Btu.

If we try to guess what the Commission really intended, we could assume that the "thermal credit" in the denominator should not be converted to Btu. It would remain in kWh, at 260,610,000 kWh. Trying to correct in this manner yields another nonsensical result.

$$\frac{606,270,500 \text{ lbs}}{521,220,000 \text{ kwh}} = 1.163 \text{ lbs/kwh}$$

In other words, this bottoming cycle cogeneration plant – a plant that is essentially an energy efficiency tool to capture waste heat from the calcining process – emits more carbon than a combined cycle generation turbine AND it would fail to meet the EPS! Again, this result occurs because the formula assigns the total of industrial emissions to electricity output, despite the fact that the primary operating function of the industrial plant is to produce calcined coke.³

³ The distortion is also evidenced by the fact the formula gives no consideration to the size of the industrial process and what portion of the total energy input it consumes. The formula allocates emissions independent of any consideration of whether the industrial process produces one ton or fifty tons of calcined coke.

The distortion in this methodology can be viewed from examining causation. The industrial plant was built for the purpose of calcining coke. The bottoming cycle electricity generator was installed as an energy efficiency measure. If the calciner chose to shut down the bottoming cycle plant (because it could not meet the EPS) ***there would be no reduction in the industrial site's total emissions.***

III. REQUEST FOR MODIFICATION

The application of the EPS to bottoming-cycle facilities should allocate emissions to processes based on their real contribution to those emissions. The formula adopted by the Decision fails to achieve this goal. EPUC thus respectfully requests that the Commission modify the adopted formula.

The Commission may correct the formula in one of two ways. EPUC has argued previously that the proper manner in which to address these facilities is to assign zero emissions, with the exception of any supplemental firing that might occur with a bottoming cycle plant. This approach remains the most logical approach to the problem, recognizing that bottoming cycle plants are in essence energy efficiency projects. At a minimum, however, some portion of the emissions must be allocated to the industrial process to avoid an entirely distorted result under the EPS.

If the Commission elects to correct the formula, EPUC submits that the record is insufficient to support these corrections. Further hearings or workshops would be required to develop an accurate formula for application.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald Brookhyser".

Evelyn Kahl
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Counsel to the Energy Producers and Users
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CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Petition for Modification of Interim Opinion by the Energy Producers & Users Coalition** in R.06-04-009 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated September 26, 2007 at San Francisco, California.



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